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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1963.

No. 298

MR. CHARLES A. MEEKER, PRO-SE,
Petitioner,

VS.

MR. W. E. WALRAVEN;
Respondent.

A PETITION FOR A REHEARING UNDER SUPREME COURT RULE 58 (2), AND A REVIEW OF COURT'S REFUSAL TO GRANT WRIT OF CERTIORARI, TO REVIEW JUDGMENT OF DISTRICT COURT OF BERNALILLO COUNTY, NEW MEXICO, CAUSE 81,671, AND FINAL JUDGMENT OF THE SUPREME COURT OF NEW MEXICO No. 7,168

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PETITION FOR REHEARING ON WRIT OF CERTIORARI No. 298

This Petition is submitted in good faith and not for delay. There now exists new and other substantial grounds for hearing the original writ which was refused on October 14, 1963.

Mr. F. B. Wiener in his 1961 Edition of Federal Appeals says on page 365:

> "The normal petition for rehearing has about the same chance of success as the proverbial snowball on the far side of the River Styx."

Yet, Mr. Wiener none the less on pages 365 to 379, recommends the filing of such a petition for rehearing under conditions believed to be present in this cause. And this is

true regardless of the well known fact, that it is realized that humans do not wish to reverse a position once assumed, even though it be clearly shown that they are wrong. The Petitioner would not be able to look himself in the mirror and call himself an American, if he failed to make this Petition.

The new and substantial grounds concerns the Peoples-Hanbaugh case discussed on pages 5 and 10 of Writ No. 298, and the relationship of that case to this Petition. It is strongly urged that this Honorable Court order the original records or a copy thereof be sent by the Clerk of the District Court, Bernalillo County, Albuquerque, New Mexico, to it for careful study. If this is done it will be clearly apparent, that where one charges an attorney, in any Court in New Mexico; that he cannot possibly expect fair and impartial treatment by the State's Courts, and that the facts claimed by Petitioner in his Writ are well founded.

Mrs. Peoples and Mrs. Hanbaugh in new and very long pleadings, Cases 90335 and 90336, and which are almost identical actions, have again made very serious charges against four New Mexico attorneys. It was impossible to employ New Mexico Counsel because one in this area simply cannot get or expect fair and impartial treatment if an attorney is a defendant or is charged with wrong. These new complaints contain some of the most serious charges of civil rights violations and other outright abuse of processes of the law to permit thefts of large sums of money from these sisters, that this writer has ever read. None the less both complaints were again summarily dismissed by an obviously biased yet capable judge, in a manner that is indeed astounding to behold in a civilized nation. If these complaints are remotely near true the situation is a National Disgrace! It is similar to the re-

cent New York disgrace where the three judges conspired and quickly tried a son of one of the judges in order to unjustly acquit him, thus eliminating further chance that the son might be tried and convicted as would have happened to any other citizen. That case resulted in very adverse publicity for the Courts and the Law generally in both Time and Look magazines. And it might be added that if any smart reporter takes time to investigate the Peoples and Hanbaugh cases as well as to Petitioner's problem that very fertile grounds for similar national adverse publicity will become quickly apparent. The moneys involved in either cause is not the real issue, but instead the facts that such as has happened here can and does happen in a Nation like America in spite of Constitutional protections supposedly available.

The Supreme Court of the United States is charged by law with the duty of supervising the conduct of State Courts. In order to better understand the very serious Constitutional violations that are common practice where one dares charge an attorney with wrong, it is prayed that this Honorable Court not lend itself by inaction to the white wash currently being attempted in this case and the Peoples-Hanbaugh matters. The rotten mess should be dragged out on the judicial operating table for dissection, and to prevent similar occurrences.

Basically Petitioner Meeker's problems all stem from the following:

(A) He won and collected a large judgment in Civil Action 2807—U. S. District Court, Northern District of Texas, and in which case the attorney had to pay half the damages.

(B) As a result several Oklahoma and Texas Attorneys because of Meeker's refusal to drop this Colvin Case jumped on Meeker and brought several base-

less actions and stole $10,000 worth of oil field casing. This was done after numerous threats. One of the attorneys involved is the brother of the Federal Judge actually trying, after refusing a jury trial to Meeker, Cause 641—Oct. Term, 1962, now before this Honorable Court. These lawyers and their clients are currently facing serious charges and are to be tried with their clients for this misconduct.

Meeker believed that there was a close relationship between Mr. Walraven and his attorney and the above ring of thieves. His purpose in questioning attorney Dolan was to try and establish that connection and to further establish mitigating circumstances for the claim of libel which resulted from a pleading filed in current cause. The right to question Mr. Dolan was denied, for one must assume that no attorney in New Mexico can do wrong. A failure to so assume will invariably result in the treatment given Mrs. Peoples and Mrs. Hanbaugh, and the current Petitioner.

The case (No. 298) in point is a perfect example of the treatment one may reasonably expect if he is so careless or brazen as to charge, even though absolutely provable, an attorney with doing a wrong. It is common knowledge that all Constitutional guarantees are easily overcome when justice is not intended. In this cause it was effected by the Court refusing to consider absolutely unchallenged facts in the transcript (Tr. 1 to 12), and then to have assumed false facts to make the law quoted fit the false factual situation assumed. Thus by ignoring the actual facts and assuming that Meeker did not tell the judge below what the law of libel was, as based on *Stewart* v. *Ging*, 64 N.M. 270, 327 P.2d 333, and *Adams* v. *Tatsch*, 68 N.M. 446, 362 P.2d 984, and then resorting to pure technicalities, the Supreme Court of New Mexico refused to rule on the question of whether things said in

pleadings are absolutely exempt from a claim of libel. It also refused to rule on the absolutely absurd and illegal jury Instruction No. 20 (Tr. 12), that no responsible court in the entire United States would uphold. Had the Court accepted the fact that Meeker by his numerous motions to dismiss and legal briefs many times told the trial judge what the law in New Mexico was, it would have been legally impossible for the said Court to have rendered the Opinion it made in Tr. 13-22.

The biased purpose both at the trial and in the method of review is believed to be to punish Meeker because he dared to bring charges against several attorneys, and because he criticized certain irresponsibilities in the courts. It is further believed that the same is true in the Peoples-Hanbaugh matter, and that unless an unforeseen miracle develops, that both sisters as well as the Petitioner will be done out of large sums of money because of this legal chicanery, and that the matter will be carefully whitewashed and buried to eliminate the rank smell of the whole procedure. Meeker could not employ local counsel any more than Mrs. Peoples and Mrs. Hanbaugh could do. The results in both cases are sickening and a disgrace to America, but because of the legal "flim-flam" are quite likely to succeed.

The rights of every human are diminished when the rights of one man is oppressed or ignored as a result of Court Abuse and Irresponsibility. The hurt done by such a denial of justice is not easy to describe or to explain. It is none the less very real indeed just as pain and suffering can be a major injury. A man's innate sense of dignity, his conception of himself as a person unique yet part of the community, his feelings of proud security in the impartiality of the law, are all desecrated when things like have happened here occur. Impairment or a wilful

destruction of these values cannot possibly be measured in money, yet the deep hurt can shatter a man, and especially when he suddenly realizes that our Constitution as a practical fact, at times may indeed have no meaning to prevent or redress these wrongs.

In the current situations the results indeed would have been no different if there was no Constitution and if the moneys had been abstracted by a tyrant. This case should not be allowed to stand unchallenged as further encouragement and *Stare Decisis* for this class of unfortunate Constitutional Evasion and Court Failure. At least give the Petitioner a chance to thoroughly air the putrid mess.

CHARLES A. MEEKER, PRO SE.